

OCT 28 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOE DANIELS,

Defendant - Appellant.

No. 09-10062

D.C. No. 1:08-CR-00104-HG

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Hawaii  
Helen Gillmor, District Judge, Presiding

Submitted October 13, 2009<sup>\*\*</sup>

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Joe Daniels appeals from the 170-month sentence imposed following his guilty-plea conviction for drug crimes in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Daniels contends that the district court improperly determined that he was ineligible for “safety valve” relief pursuant to 18 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2. The district court did not clearly err in finding that Daniels failed to provide to the government all relevant information concerning the conduct for which he was sentenced. *See United States v. Ajugwo*, 82 F.3d 925, 929-30 (9th Cir. 1996); 18 U.S.C. § 3553(f)(5).

Daniels also contends that the district court failed properly to consider the sentencing factors of 18 U.S.C. § 3553(a) when it sentenced him. The record reflects that the district court did not commit procedural error and that Daniels’s sentence is substantively reasonable. *See Rita v. United States*, 551 U.S. 338, 356-58 (2007); *Gall v. United States*, 128 S. Ct. 586, 597 (2007).

**AFFIRMED.**